

NO. 23864

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

TOSHIO UCHIMA, Individually and as Guardian Prochein Ami
for HERMAN UCHIMA and DUSTIN UCHIMA, minors;
and YOKO UCHIMA, Plaintiffs-Appellees

vs.

DURST CORP., Defendant-Appellant

and

ERECT-A-TUBE INC. and ROTOR WING HAWAII INC.,
Defendants-Appellees

and

JOHN DOES 1-10 and DOE ENTITIES 1-10, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 98-2949)

ORDER DISMISSING APPEAL
(By: Moon, C.J., Levinson,
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the statements supporting and contesting jurisdiction and the record, it appears that: (1) the July 20, 2000 judgment, which enters judgment on the plaintiffs' claims against defendant Durst Corp., does not show finality as to all claims asserted in Civil No. 98-2949 inasmuch as it does not dismiss or enter judgment on the plaintiffs' claims against defendants Erect-A-Tube and Rotor Wing Hawaii, as required by HRCF 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-20, 869 P.2d 1334, 1339-39 (1994) (In a multiple party circuit court case, a judgment that purports to be the

final judgment is not appealable unless the judgment, on its face, shows finality as to all claims against all the parties.); and, thus, (2) this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 31, 2001.